

REMARKS

The Office Action dated August 26, 2003 presents the examination of claims 41-42, 44-47, 49-56, 58-59, 61-69, and 71-75. Claims 41 and 42 remain withdrawn from consideration. Claims 49-54, 62, 65, 68, and 71-75 are allowed. Claims 44-47, 55-56, 58-59, 61, 63-64, 66-67, and 69 remain rejected. Claims 44 and 55 are amended herein. Support for the amendment to claims 44 and 55 is found in the revised specification, such as on page 5, lines 20-23. No new matter is inserted into the application.

Rejection under 35 U.S.C. § 102(b)

The Examiner maintains the rejection of claims 44-47, 55-56, 58-59, 61 and 63 under 35 U.S.C. § 102(b) for allegedly being anticipated by Gilbard et al. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

On page 4, lines 7-9 of the Office Action, the Examiner states that the claims would be rendered free of prior art if the claims were limited to an animal comprising corneal epithelial damage in a part of the ocular cornea or in the pupil area of the ocular cornea. In response to the Examiner's remarks, independent claims 44 and 55 are amended in accordance with the Examiner's suggestion. Thus, the instant rejection is overcome.

Rejection under 35 U.S.C. §103(a)

The Examiner rejects claims 64, 66-67, and 69 under 35 U.S.C. § 103(a) for allegedly being obvious over Yerxa '407 in view of Gilbard et al. and Fujihara. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

The rejection appears to be based on the Examiner's assertion that the animal of claim 44 is anticipated by Gilbard et al. As noted above, independent claims 44 or 55 are amended to be free of the prior art of Gilbard et al. To the extent that claims 64, 66-67, and 69 require the use of an animal model prepared according to independent claims 44 or 55, the rejection of these claims is overcome by the amendment to independent claims 44 or 55. Withdrawal of the instant rejection is therefore respectfully requested.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is respectfully requested to issue a Notice of Allowance indicating that claims 41-42, 44-47, 49-56, 58-59, 61-69, and 71-75 are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully

requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 
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